

**Adopt Cul-H 205 and 206 to read as follows:**

**PART Cul-H 205 EXPLANATION AFTER ADOPTION**

**Statutory Authority:** RSA 21-K:8, IV

Cul-H 205.01 Requests for Explanation of Adopted Rules. Pursuant to RSA 541-A:11, VII, any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the commissioner including:

- (a) The name and address of the person making the request; or
- (b) If the request is that of an organization or other entity, the name and address of such organization or entity, and the name and address of the representative authorized by the organization or entity to make the request.

Cul-H 205.02 Contents of Explanation. The commissioner shall, within 45 days of receiving a request in accordance with Cul-H 205.01, provide a written response which:

- (a) Concisely states the meaning of the rule adopted;
- (b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and
- (c) States, if applicable, why the commissioner did not accept arguments and considerations presented against the rule.

**PART Cul-H 206 WAIVER OF RULES**

**Statutory Authority:** RSA 541-A:22, IV; RSA 541-A:29

Cul-H 206.01 Waiver of Rules.

- (a) The commissioner shall waive the provisions of any rule, except where precluded by statute or by Cul-H 204.04, upon request by an interested party if the committee finds that:
  - (1) The waiver serves the public interest; and
  - (2) The waiver will not disrupt the orderly and efficient resolution of matters before the division.
- (b) In determining the public interest, the commissioner shall waive a rule if:

- (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
- (2) The purpose of the rule would be satisfied by an alternative method proposed.
- (c) Any interested party seeking a waiver shall make a request in writing, except as provided in (d) below.
- (d) The commissioner shall accept for consideration any waiver request made orally during a hearing or pre-hearing conference.
- (e) A request for a waiver shall specify the basis for the waiver and the proposed alternative, if any.

Rule Number	Statute Implemented
Cul-H 205	RSA 21-K:8, IV
Cul-H 206	RSA 541-A:22, IV; RSA 541-A:29